

**North Carolina Wireless 911 Board
MINUTES
March 11, 2005**

<u>Members Present</u>	<u>Staff Present</u>	<u>Guest</u>
Carolyn Carter (NCLM)	Ron Adams ITS	Kathie Austin, Fiscal Research, LOB
Joe Durham (NCACC)	Richard Bradford DOJ	Jack Ball, Orange Co 911
Belinda Gurkins (Sprint 911)	Richard Taylor ITS	Jason Barbour, Johnston Co 911
Leigh Horner (Nextel) (teleconference)	Leslie Tripp ITS	Craig Blackwood, Orange Co 911
David Keever (Alltel Wireless)		Debbie Hines, Randolph Co 911
Rick Montgomery (Sprint PCS)		Walt Fuller, Raleigh-Wake 911
Phillip Penny (NCNENA)		Steve Newton, Orange Co 911
Steve Stoneman (ITS)		Tonya Pearce, Durham 911
Frank Thomason (NCAPCO)		Brett Renfrow, Johnston Co 911
Don Van Liew (Cingular)		Donna Wright, Richmond Co 911
Allen Whitaker (Davie County Sheriff)		
<u>Members Absent</u>	<u>Staff Absent</u>	
George Bakolia (ITS CIO)		
Robert Cherry (Tarboro Police Chief)		
Pamela Tope (Verizon Wireless)		

Chair's Welcoming Remarks:

Chairman Steve Stoneman called the meeting to order at 10:05 AM and welcomed everyone.

Ethics Awareness/Conflict of Interest Statement:

Chairman Stoneman read the Conflict Of Interest Statement and asked if anyone had any conflicts. None were cited.

Approval of minutes

Chairman Stoneman noted that there were two sets of minutes to approve (the January meeting minutes and the February teleconference minutes). He asked if anyone wished to offer any amendments or corrections to either set. When no one spoke up, he said he would entertain a motion to accept both sets of minutes. Phillip Penny so moved, Belinda Gurkins seconded, and the motion carried.

Administrator's Field Report

Richard Taylor briefly touched upon each of the bullet points in the agenda item, adding:

He went to Granville County as part of his plan to focus on counties that have not requested Phase II and to see what he can do to get them moving. He mentioned Granville's new director, Martin Bragg, was "learning by fire," trying to get new CAD and Mapping implemented.

He spoke about meeting with Burke County, including Morganton PD and Valdese 911, to work through misuse of funds. He's been working with them a couple of years to try to resolve issues regarding that misuse, culminating in withholding their Wireless 911 fund disbursements last December. That appears to have gotten their attention, and Richard's hopeful that he's making progress with them.

He stated Yancey County finally has enhanced wireline 911 turned up, and that within 60 days of doing that, they turned up wireless Phase II. Since Yancey is the last county in the state to implement enhanced 911, he felt that was pretty exciting news.

In meeting with FCC Commissioner Kevin Martin's chief of staff regarding our request for a declaratory ruling, Richard learned that NRIC (Network Reliability and Interoperability Council) is working on the same issue. By virtue of that, he is comfortable that we will see some changes. He also noted that the rumor mill in DC has it that Commissioner Martin, a Carolina and Duke graduate from Charlotte, is probably the next in line to be FCC Chairman.

Among the topics discussed at the National NENA Critical Issues Forum was money being taken from 911 funds to balance state budgets. Richard was a panel member in a panel discussion of that issue.

The main delay with Halifax County's Phase II implementation concerns mapping, but they have an RFP out to acquire a good mapping product, and hope to be able to request Phase II in six months or so.

Phillip Penny asked for more detail about Burke County, and David Keever agreed. Richard explained how they had paid a consultant for travel, meals, and lodging on

multiple occasions because *he* told them it was an allowable expense. That is but one among many out-of-line expenditures that he (the consultant) told them were acceptable. Richard added that they have not been very cooperative in trying to correct the problem thus far, despite he and Leslie working with them for the past two years. Phillip asked if the Board has ever required repayment of funds from PSAPs that had misused them, and Richard said yes. He added that when that happened, they had historically been cooperative about doing that.

Trainer's Field Report

Ron said that unless someone had questions about the report, he wouldn't waste everybody's time reading it, since he knew of nothing to add. Phillip asked if Ron does a survey at the end of the class to get feedback. Ron replied that the only thing the attendees filled out at the end of the class was an individual registration information sheet, not a feedback form. Chairman Stoneman asked if we were doing that before, and Jason Barbour said that they (he and Craig Whittington) had talked with Richard about it, but they had decided not to do it. Phillip said he didn't think it was a bad idea, and Chairman Stoneman said he thought it was a good idea. Chairman Stoneman instructed Ron to put one together, including questions about what attendees liked about the class, what they didn't like, what could be better, etc.

Approval of Primary PSAP status for Yancey County

Richard praised Yancey County's efforts to finally become a primary PSAP, including the way they adapted and remodeled an old building into a nice facility. Since they have done all the paperwork and met all the requirements, he recommended that the Board welcome Yancey as the state's 128th primary PSAP eligible to receive funding from the Wireless 911 Board. Carolyn Carter offered a motion to that effect, Frank Thomason seconded it, and the motion carried.

Discussion of travel policy for Board members

Richard Taylor mentioned that questions about travel reimbursements for Board members have arisen over the past several months. Since there has never been an actual policy in place regarding travel reimbursements for Board members, and since the Board will be receiving new members this year, he felt we should have something in writing spelling out criteria to consider before requesting travel, lodging, subsistence, or registration expense reimbursement. Richard noted that the language proposed in the agenda, which he had asked Ron Adams to craft, was draft language intended as a starting point for Board discussion. Phillip Penny noted that he had to read it a couple of times to understand it, that it was "awfully wordy." The consensus around the table was to agree. Richard then summarized the language by saying, "The essence was that travel for Board members was certainly allowable for anything that benefits the Board." Chairman Stoneman asked if requests would go to Richard, and he said yes, but if a Board member were unhappy with his determination, it could certainly be appealed to the entire board for dispensation. Richard added that, "...should it ever be questioned, we want to show we are trying to be good stewards of the money that we have allotted to us, and that we're using it for the right reasons, not going out to have fun."

Chairman Stoneman then asked for a motion to approve the policy as written. David Keever so moved, Phillip Penny seconded, and the motion carried.

Discussion of Wireless 911 Surcharge Reduction

Richard Taylor stated he and Leslie Tripp had been working on this since they found out Verizon would not be seeking Phase II cost recovery. Sprint and Nextel are also taking the same approach. So in an effort to prevent the regeneration of a large fund balance, while at the same time “not hurting anybody not involved in the changes,” Richard and Leslie came up with the solution presented in the agenda item. Richard’s recommendation to the board is to implement these changes in the draft 62A legislation being sent downtown.

Frank Thomason asked what would happen if those three vendors decided they all of a sudden wanted to seek cost recovery again. His concern was that if we reduce the surcharge and they want to come back in during the middle of a budget cycle, how would that impact us? David Keever pointed out that despite their decision not to seek cost recovery, they would still be paying in the \$0.70 surcharge. Richard Taylor also noted that they would not be able to recover any more than they had contributed. Chairman Stoneman asked if these had only been verbal statements from the companies in question, and Richard Taylor replied that he had copies in writing from Verizon and Nextel for sure, and he was pretty sure he had them from Sprint as well. Don Van Liew, returning to Frank’s question, noted that they would also have to submit a plan prior to seeking cost recovery. Frank then indicated satisfaction that there wouldn’t be any problem.

Belinda Gurkins mentioned that the current legislation specifically refers to the 60%/40% allocation between carriers and PSAPs, and asked if that wouldn’t have to be changed to reflect the new 53%/47% split. She also asked if all the wireless carriers had been contacted to see if there was going to be any opposition from them. Richard replied that although he hadn’t contacted all twelve carriers in the state, he had contacted the major carriers, and every one of them has been elated with the surcharge reduction. Chairman Stoneman inquired if the projections included any growth factor, and Richard and Leslie said yes. Leslie mentioned that growth was down from a high of about 17% to closer to 2%, and the latter was the factor she used.

David Keever asked if it might not be better to indicate in the draft legislation that the percentage split be variable, rather than fixed at 53%/47%, so that adjustments could be made whenever necessary. Richard Taylor deferred to Richard Bradford, saying he thought those percentages could already be changed at any time under the current statute. Richard Bradford concurred, noting that the only ambiguity is as to when such adjustments can be made.

Phillip Penny then asked if this would “be a positive or a negative” regarding other legislative changes being proposed. Richard Taylor reiterated that all the wireless carriers were very positive about it, but he couldn’t really predict whether it would have a positive or negative impact on other aspects of the legislation. Phillip then said, “I’m just wondering if this is the one piece that could open up 62A for a number of things to be piggy-backed on with this.” Richard replied that once it’s introduced, anything could

happen, that all kinds of things could be added to it or all kinds of things could be taken away from it. Chairman Stoneman added, "...and they probably will be." Comments of agreement came from around the table. Chairman Stoneman added that this is really a starting point, and that changes are likely to occur.

Chairman Stoneman summed up the discussion about changing the surcharge, then said he would entertain a motion to approve the change. Don Van Liew so moved, David Keever seconded, and the motion carried.

Final Approval of Draft Legislation Changes for 62A

Richard Bradford noted he had made no changes since the last draft that was circulated to the Board. Conversation centered around revising language to accommodate the surcharge reduction and percentage re-allocations discussed above, including renaming what had historically been called the "40% Fund" to simply the "PSAP Fund," rather than having to rename it every time percentage allocations change in the future.

Belinda Gurkins stated on behalf of Sprint that, "Sprint opposes the legislation as it is written."

Chairman Stoneman reviewed the specific changes to the language regarding the surcharge modification, including ensuring that the percentage re-allocations are directly linked to the surcharge reduction to \$0.70. Richard Taylor pointed out that the Board has the authority to change percentage allocations without legislative change, and Richard Bradford concurred. He added, however, that the statute was unclear as to whether exercising that authority was limited to even years, and that it could be argued either way. Chairman Stoneman asked if anyone wanted to consider clarifying that by clearly stating that it could be done "annually" or "at any time."

At that time Phillip Penny asked what would prevent the committee studying the draft legislation from saying "Since you have such a large fund balance, why not make it \$0.50?" Richard Taylor noted there is no fund balance left (since the legislature took it), and Phillip then asked what would happen if they suggested that figure regardless of whether or not there was a fund balance. Richard said we would have to let them know that at that level we wouldn't be able to meet the statute's directive of providing full cost recovery.

Phillip then asked if PSAPs were to submit plans outlining their future expenditures, as the new language proposes, wouldn't that justify large fund balances? Richard Taylor pointed out that the large fund balance being discussed, and which had been seized two years ago by the legislature, was the *wireless carrier fund balance*, not the PSAP fund balance. He reiterated that this proposed change is intended to prevent the regeneration of a large *carrier* fund balance. Accumulation of PSAP funds is *not* the issue. Since PSAP disbursements based on population occur monthly, and equal disbursement among PSAPs of any remaining fund balance occurs annually, the size of the fund balance is seldom large enough to attract attention.

Chairman Stoneman asked Richard Taylor what his recommendation to the board was. Richard replied, "My recommendation is that we approve the draft legislation as

proposed with the additional proposed surcharge reduction, making the changes in the appropriate places to reflect the surcharge reduction and percentage changes.” David Keever added including the modification of the fund names, and Carolyn Carter added changing the frequency with which the Board can exercise its option to make changes from every other year to every year.

Chairman Stoneman asked for a motion to support these recommendations. David Keever so moved, Frank Thomason seconded, and the motion carried with Belinda Gurkins opposed (for Sprint).

Approval of Cricket Phase 2 Cost Recovery

Richard Taylor summarized that Cricket had not been collecting/remitting sufficient cost recovery funds, and having exceeded the 125% rule, were not receiving full cost recovery. Richard had worked with them to identify necessary changes, and they have developed a new cost recovery plan that Richard endorses. He recommends that the Board approve the new plan so Cricket can once again begin receiving checks from the board. Carolyn Carter made a motion that the Board endorse Richard’s recommendation, Belinda Gurkins seconded the motion, and the motion carried.

New Wireless 911 Website

Ron Adams reviewed the new website, and Richard Taylor noted that the new URL, ncwireless911.org, is much easier to remember. Don Van Liew asked if someone went to the old site, would they be redirected to the new one, which Richard and Ron confirmed. Phillip Penny noted that we should probably change the definition of eligible PSAP to the definition of Primary PSAP. The consensus around the table was to agree with that change. Ron said he would work with the programming folks to make that happen. Chairman Stoneman suggested possibly getting the info highway folks to provide a streaming video of one of Ron’s classes. He also asked if it wouldn’t be appropriate to contact all the PSAPs and solicit pictures, and Richard Taylor agreed, although he mentioned he had many more that had not yet been used. Chairman Stoneman then asked Ron to get a cost estimate on the video for presentation at the next meeting. Richard reviewed his goal of eventually having a private part of the website available to Board members for posting meeting agendas and other announcements, noting that although it’s not yet available, it’s coming.

Phillip Penny suggested putting a training topic on the site, including schedules and possibly the PowerPoint presentation Ron uses for the training. Don Van Liew asked if there were some way to track hits on various pages so we could know what areas are garnering the most interest, and Chairman Stoneman speculated that surely there was. Ron said he would look into it.

Discussion of Drive Testing

Richard Taylor summarized recent communications from Sprint PCS’s engineering folks about problems they were encountering when communicating with PSAP telecommunicators regarding drive testing. They cited having to “play 20 questions” with

telecommunicators at some agencies because those agencies prohibited their telecommunicators from providing the information presented on their ALI screens to the drive testers. Instead, they would only confirm or deny what the drive tester told them *should* be on the screen, which hindered troubleshooting efforts on the part of the drive testers when the information was incorrect. Much discussion ensued, including security concerns, privileged information concerns, scheduling problems, etc.

Phillip Penny stated that he was concerned that since his center had been specifically cited, he should have known about it immediately. Richard Taylor pointed out that he hadn't been asked to address the problem with individual PSAPs, but instead to bring the issue to the Board for deliberation. He speculated that if Sprint PCS had a problem with an individual PSAP that they wanted to address directly, they would have done that.

Jason Barbour (guest) cited one instance when his people deliberately provided incorrect information (a fictitious location on the other side of the county) to see if the drive tester would accept it, which he did. Jason then reasoned that if the drive testers would accept incorrect information and proceed as if nothing was wrong, then he should require the drive tester to communicate what he expected to be displayed before receiving a confirmation from the telecommunicator.

Richard Taylor said that was why he wanted to arrange a meeting between carrier representatives and PSAP representatives to try to arrive at a mutually agreeable procedure to be followed by all parties. Carolyn Carter, though in complete agreement with the meeting concept, wondered about the logistical feasibility of gathering representatives from all the PSAPs (currently numbering 128). Richard acknowledged that it was a daunting challenge, but hoped it would be important enough that PSAPs would make a concerted effort to send someone. He had originally thought about doing it with NENA and APCO, but then he was told that they do not represent all the PSAPs. He was told by the ad hoc group (911 Managers Group) that it represents more PSAPs than NENA and APCO. So that is why he wants to contact everyone directly.

Donna Wright (guest) added that a carrier had re-routed calls from its cell towers in Richmond County without consulting her center, resulting in misrouting of calls to an adjacent county for over a month before it was brought to their attention. She wanted to ensure that this behavior be part of any discussion regarding drive testing.

Chairman Stoneman noted a caution from Richard Bradford that the Board doesn't have any authority to establish any technical standards. He just wanted the Board to be sure it doesn't appear to set standards it doesn't have the authority to set. He felt that facilitating a meeting where the concerned parties can agree among themselves to procedures would probably be fine, but it is not something for the Board to "approve" or "implement." The PSAPs and the carriers should drive the decisions, not the Board.

Don Van Liew speculated that these things usually get worked out eventually, but agreed that perhaps such a meeting could help things get done more efficiently. Richard Taylor noted that in the past he had brokered many one-on-one resolutions to these types of problems, but that he was now getting the impression that they are much more widespread than he had initially believed. Don then wondered aloud, however, if it would

have a lasting effect due to the turnover in telecommunicators and the carriers' recurring use of new and different contractors. Richard responded that perhaps having a policy on paper to distribute to new telecommunicators or contractors would help at least in some little way.

David Keever was surprised that the problem was so widespread. He related being involved in drive testing himself for nearly a year without having such problems because communication between the carrier(s) and the PSAP had been open and free flowing, allowing any problems to be nipped in the bud. Cooperation was normally the rule, not the exception. Belinda Gurkins added that she felt the issue was not with the initial turn-up of Phase I or Phase II, but as towers are added.

Chairman Stoneman said it seems to him that what we need is an MOU from the PSAPs and an MOU from the carrier(s) that both parties agree to. Richard Taylor said he would move ahead with arranging a meeting.

Follow-up on 30% Population/PSAP Proposal

Richard Bradford reviewed this proposal from earlier drafts (removed from the current draft), reporting that he couldn't "see a viable way to make this determination." He noted that such a change in determination of eligible PSAPs would result in practically no change in the number of funded PSAPs, the reduction of which had been the initial impetus for looking at the change. His calculations showed only an insignificant statistical difference in dollar penetration (less than 0.1%, i.e. one tenth of a percent) whichever approach was taken. His recommendation was to pursue it no further. He did add that if the Board still wanted to pursue it, it would require participation and data from the PSAPs.

Belinda Gurkins agreed, in part because such a change would be such a political issue for LECs, and is far and away not as simplistic a thing as it seems. Frank Thomason thanked Richard for all his efforts, and although admitting to being a great proponent of consolidation, agreed with Belinda about the almost insurmountable political obstacles to such a proposal.

Joe Durham wondered aloud if having 128 PSAPs was the most cost effective way to provide 911 connectivity, and speculated that it probably was not. He stated that he thought centralization was the way other state agencies (number of school systems, mental health agencies, etc.) were becoming more cost effective. So, all political issues aside, he felt that the issue is worthy of further study and consideration, though he couldn't offer a way to do it. Richard Bradford noted that population density is not all that needs to be factored in. Conditions faced by mountain communities are very different than those faced by coastal or piedmont communities. He added that he would be willing to continue pursuing it, but that he must have more guidance from the Board. He also pointed out that his superiors are concerned with the amount of time he is devoting to it.

Joe Durham asked what the requirements are to establish a PSAP, and Richard Taylor outlined them for him. Joe then asked if the citizens in multi-PSAP areas are getting the best service for their money. Richard replied that it depended upon who was making

that distinction, pointing out that municipalities with their own PSAPs would assert that they were providing the best possible service for their constituents using that model rather than a centralized county model. Joe replied that a lot of times that is anecdotal evidence, not factually based. He maintained that counties and municipalities working out performance standards and working those issues out could be one way to determine whether or not a separate PSAP were necessary.

Richard Taylor then cited several examples of successful consolidations (centralizations), as well as examples where the elected Sheriff, appointed Police Chiefs, and volunteer Fire Chiefs could do nothing but disagree.

Chairman Stoneman asked Richard Taylor how this was handled by other states, and Richard replied that they varied across the board, from wireline and wireless being controlled by the state to nobody controlling 911 at all. He said, "...you've got all kinds of models out there. Pick what you want and I can find it." Chairman Stoneman then proposed that since Richard Bradford needs further direction, anyone who has some ideas on how we can tackle this problem work directly with him before the next meeting. Then at the next meeting the Board can determine whether to leave it as is or identify what additional data is needed to move ahead.

Phillip Penny asked if hiring an independent consultant to take some of the load off of Richard Bradford might be acceptable. Chairman Stoneman said that was a possibility, but that we need to understand the scope of the task first. Don Van Liew asked if we do ever figure out a way to do this, would we be able to do anything about it? Belinda Gurkins expressed the same sentiment. Richard Taylor speculated that he would need to run it by the legislature, but Richard Bradford said that he wasn't sure legislation changes would be necessary. Joe Durham asked how so? Richard replied that at present the statute allows the Board to allocate the money, and the qualifications and the procedures associated with determining who's eligible for the monies are up to the board. He added that he thinks, "...it's certainly reasonable to anticipate that some legislation could be crafted that was a little more specific, but it's not necessarily required."

Richard Taylor illustrated on the presentation screen how counties with multiple PSAPs would get more money from the "equal distribution" fund simply because that distribution would be multiplied by the number of PSAPs in the county. Joe Durham said that was all the more reason that some way should be developed to achieve the "one PSAP per county" goal. Don Van Liew then underscored what Richard Bradford had stated earlier, that if the new determination method still resulted in relatively the same number of PSAPs, what has been gained?

Carolyn Carter then noted that the League of Municipalities is all for centralization, but added that whether that would be in the hands of the city or the county or a joint city/county operation would be up for grabs, and she doesn't see how the Wireless Board could ever have any influence on it.

Chairman Stoneman asked for a scope statement to be presented at the next meeting looking at how we currently do the assignments, the existing methodology, understanding all the issues that we have, and what other options are there to do this

more efficiently. What are the pros and cons? He asked members to please help Richard Bradford put this together so something can be brought back to the next meeting.

Status of Phase I and Phase II Wireless 911 in North Carolina

Richard Taylor displayed the Report Card and noted that Ramcell is actually supposed to be drive testing in some areas. There was some confusion because the Report Card projected on the screen reflected updates from the night before, whereas the printed report card in the agenda books was the one prior to that update, an oversight on Ron's part.

Administrative Reports

Leslie Tripp reported that annual checks went out last month, noting that City of Jacksonville was added last month also. Richard Taylor noted that the proposed budget in Leslie's report was based upon the reduced surcharge amount of \$0.70. Belinda Gurkins made a motion to approve the proposed budget, Joe Durham seconded, and the motion carried.

Other Items

Carolyn Carter asked if a report could be presented at the next meeting regarding how VoIP is impacting Wireless 911, ergo the Wireless 911 Board. Some discussion ensued about how it is more of a wireline issue, but Richard Taylor said he would certainly have something ready for the next meeting regarding its impact on wireless.

Adjourn

With no further business being brought up, Chairman Stoneman requested a motion to adjourn. David Keever so moved, Belinda Gurkins seconded, and the motion carried.